

**TOWN OF GRANBY
ZONING BOARD OF APPEALS
MINUTES
June 19, 2012**

Present: William Percival, Suzanne Yucha, Ann Crimmins, Robert Lindeyer, and Judy Goff

Acting Chairman William Percival convened the meeting at 7:30 p.m. and read the Legal Notice. The Legal Notice was published on June 8, 2012 and June 15, 2012 in the Connecticut Section of the *Hartford Courant*.

REGULAR MINUTES

ON A MOTION by A. Crimmins, seconded by S. Yucha, the Board voted (2-0-3) to approve the minutes of the regular meeting of March 20, 2012 as presented. W. Percival, R. Lindeyer, and J. Goff abstained.

Acting Chairman Percival explained the procedure of the meeting and noted to those in attendance that decisions would generally be mailed to the applicant within ten days. Approval, when granted, shall be null and void if not filed within 90 days of the approval date.

PUBLIC HEARING

The hearing on the appeal by Edward and Maria Foden seeking a variance to Section 2.1 and 2.4 of the Zoning Regulations to allow the alteration of an existing property containing a non-conforming use, which would then become more non-conforming following the proposed reduction in lot size, for property located at 293 North Granby Road, opened at 7:35 p.m.

Brian Denno, Denno Land Surveying, appeared on behalf of Mr. and Mrs. Foden. He showed a map noting the location of the house and cottage and the proposed division of the property. The Fodens are asking to divide the property by having a two-acre parcel with the two houses and a separate seven-acre parcel. The house and cottage were built prior to Zoning Regulations. Mr. Denno stated that the hardship is the fact that it's a non-conforming lot. He said the cottage is an accessory use to the house. Maria Foden appeared and explained she and her husband don't live in CT, but family has lived in the main house in the past. She stated the main house is empty, but the cottage is rented. She said she and her husband might someday build on the seven-acre parcel.

Public comment: There was none.

Discussion continued with Mr. Percival stating that, if approved, this action would take a non-conforming lot and keep it as a non-conforming lot. It was reiterated that the hardship is that it's a non-conforming lot.

At this time, Bill Joy, 207 Day Street, spoke. He stated that if this variance is approved, it would mean that a new house could be built on the seven-acre parcel. The Board agreed. He doesn't like that idea, whereas his property abuts what would be the seven-acre parcel and he likes his privacy. There was mention of the wetlands on the property, defining where a house could be placed.

Mrs. Foden stated the present houses are close together and share a driveway. She doesn't want to put them on two separate lots. This property is presently on the market as one parcel.

The Board doesn't necessarily agree that the cottage is an accessory use of the main house,

mainly because it's rental property and has been rented for many years, even prior to the Fodens owning the property. Francis Armentano, Director of Community Development, had provided the Board with various notes, one of which suggested that the existing homes could be placed on each of the proposed lots, in greater conformity with the Zoning Regulations. The Board briefly discussed his suggestions. Mr. Denno commented Mr. Armentano's suggestions wouldn't work because the "builders square" won't fit on the set up of the lot as Mr. Armentano suggested. (Note to the minutes: the Lot Square Section 5.2.7 of the Zoning Regulations does not apply to the lot split as proposed or suggested by Mr. Armentano)

Rebecca Davis, 209 Day Street, said her house is right on the corner of the Foden's property and she doesn't want to see a house built on the seven-acre parcel. She stated her concerns due to the wetlands in that area. The Board felt her objections, at this time, are not relevant to this request for a variance.

The hardship was once again reviewed, with the petitioner reiterating the non-conforming lot issue.

The public hearing closed at 8:31 p.m.

ON A MOTION by R. Lindeyer, seconded by A. Crimmins, the Board voted unanimously (5-0-0) to approve a variance to Section 2.1 and 2.4 of the Zoning Regulations to allow the alteration of an existing property containing a non-conforming use, which would then become more non-conforming following the proposed reduction in lot size, for property located at 293 North Granby Road as follows:

a variance is granted to Zoning Regulations Section 2.1 and 2.4 for the purpose of dividing the lot at 293 North Granby Road, as proposed on the file map "DIVISION PLAN prepared for Edward & Maria Foden, 293 & 297 North Granby Road, Granby, CT dated 11/9/09", noting the pre-existing non-conformity of the second house, since it was built prior to Zoning Regulations. Citing Section 2.3 of the Zoning Regulations, the Board doesn't consider this creation of a two-acre lot in the R50 zone, a violation.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Susan Christian
Recording Secretary